

Nonetheless, according to Interior Secretary Dirk Kempthorne, it is willing to invest “billions” in a kind of omnibus bill on trust claims. The key verb is not “to settle” or “to reimburse” but “to invest,” and in the short term there is no getting around it.

Indian country should engage with the administration’s case settlement concepts, then, and come forward with an improved set of proposals based on them.

It’s a steep order, but the case settlement concepts do provide some footholds. For starters:

The administration foresees “voluntary and involuntary” mechanisms for consolidating fractionated lands. Given the history here, the concept of an involuntary taking of land to be consolidated is troublesome, to say the least. But assuming economic use is the goal of consolidation, there is no other way. Land tracts with hundreds of owners cannot be managed for profit, period. Consolidation that requires consent from all owners is impossible for many reasons. Tribes should be able to propose sensible limits on involuntary consolidation mechanisms that don’t also torpedo the purposes of consolidation.

The administration foresees a “beneficiary managed trust” that would grow the trust estate. This was dangerous at the time of the Dawes Severalty Act, a century and some years ago, but nowadays it simply isn’t a new concept. In fact, it’s a solid, tested concept that can help prosperity along by goading individuals and tribes toward the aggressive management of their own resources. After a 10-year period for technical assistance as financed in the law itself, individuals would manage their own lease property, with payments going direct to individuals instead of being lightened along the way by the government. The original trust funds reform law of 1994 foresaw every bit of that. But the government would still fulfill vital residual roles, maintaining the land as inalienably tribal land, in trust and tax-exempt, as well as probating estates, correcting errors in the accounts, transferring titles and keeping title records. A proposal like this should not be rejected with outrage, but embraced with care. Again, tribes can certainly offer proposals for the longer-term protection of their more vulnerable members.

Tribes have especially reviled the idea of limits on federal liability, should IIM beneficiaries choose to manage their own lands. But already, the U.S. Supreme Court has established limits on federal liability in cases where statutory language does not assign liability. Tribes should be willing to propose strictly limited statutory language that assigns certain modified federal liabilities, but without going so far as to convince McCain and company that the settlement is therefore “partial.”

Tribes also seem to despise the idea of an alteration in the trust relationship. But Elouise Cobell, lead plaintiff in the IIM case, suggests the same and then some every time she declares the IIM trust should be taken from Interior and placed in receivership. This could never be done because no bank could responsibly take on the liabilities, but if it were done it would profoundly alter the trust relationship. So let’s alter it already, not through receivership but by participating and directing. It really is too important to be left to lawyers and individuals.

Finally, tribes have objected to the idea that tribal claims should be included in any settlement that approaches the \$8 billion range. But the guessing here is that if tribes genuinely got behind a “whole” settlement at some realistic cost, providing their own serious counterproposals with a minimum of posturing, billions more might be found.●

NATIONAL INSTITUTES OF HEALTH REFORM ACT

Mr. REED. Mr. President, I take this opportunity to acknowledge a very important deed this body has accomplished prior to the conclusion of the 109th Congress. Despite some incredible obstacles and limited time we have succeeded in protecting real health insurance coverage for low-income, working Americans.

The State Children’s Health Insurance Program, SCHIP, which I am proud to have helped establish in 1997, has made a difference in expanding health insurance coverage to low-income children around this country. In previous years, Congress has stood up for low-income children and produced the additional funding necessary to keep the SCHIP program running. A number of states are again facing urgent shortfalls in their SCHIP allotments in fiscal year 2007. I was deeply disappointed when the tax extenders package did not include, as expected, a modest proposal to help those states facing immediate shortfalls in their SCHIP budgets.

Not so long ago, Rhode Island could proudly claim it had the lowest rate of uninsured children in the country. The latest Census Bureau report is now showing a different picture—the number of uninsured children rose a full percentage point, from 5.8 percent to 6.8 percent from 2004 to 2005. My state has worked hard over the past decade to build a children’s health insurance program that has become a model for the nation. Yet, Rhode Island is anticipated to be the first of several states in a funding shortfall next year. Specifically, my state is facing a \$43 million shortfall and will have only 32 percent of the funding necessary to sustain SCHIP in 2007. These dollars mean the difference between thousands of children, pregnant women, and families getting access to health care or not getting the care they need at all.

Included with the reauthorization of the National Institutes of Health, NIH, is a modest bipartisan proposal to defer the shortfalls that would negatively impact the SCHIP program in my state as well as several others. This additional time is needed to work on a more permanent solution to the chronic shortfalls and other structural issues that should be addressed in the context of SCHIP reauthorization next year.

I would be remiss if I did not extend my sincere gratitude to the Democratic leader, Senator HARRY REID, and his staff, particularly Kate Leone, for their understanding, tenacity, and tireless effort in making this possible. I would also like to thank my colleague from Montana, Senate Finance Committee Ranking Member MAX BAUCUS, and his staff for all of their hard work in putting together a carefully crafted stopgap measure, and I look forward to working with him on the equally challenging task of SCHIP reauthorization next year.

In the waning hours of the 109th Congress, we have taken a small but im-

portant step to maintain our commitment to America’s children.

END OF THE 109TH CONGRESS

Mr. ROCKEFELLER. Mr. President, as the 109th Congress wraps up its final session, I want to note my disappointment that the current leadership decided not to work on all 10 of the appropriations bills that remain undone. Congress is adjourning and walking away with much of our work incomplete.

It is irresponsible and wrong. We should have stayed and made the tough decisions to get the appropriations done. The Federal budget is due October 1. We missed that deadline, as we have often in recent years. The leadership adjourned for the elections, and when we returned the leadership lacked the will and determination to finish the appropriations bill. Many individuals Senators, including me, would have stayed and worked hard to get the job done. But we were overridden.

Failure to enact the appropriations in a timely manner hurts programs because administrators cannot plan and they cannot hire staff in a timely manner. This can create real problems in our VA hospitals, our Head Start agencies and the clinics funded by the Maternal and child health block grant.

This year, instead of doing our work, the congressional leaders are punting the tough budget decisions into the next year and the next Congress. On February 15, 2007, when the continuing resolution, CR, expires, agencies will have been operating for 4½ months under a CR which represents more than a third of the fiscal year. This imposes burdens and hardships on the people that our agencies of Government serve. It is failure of leadership.

The Coalition of Human Needs has done some estimates about these cuts and their effects since 2002. Their analysis highlights that over time 72 programs of direct services have been cut when inflation is considered. Inflation erodes buying power over time, and it makes a stark difference in what services needy children and families receive. The coalition reports that 35 programs were cut by 10 percent or more, including essential programs like family violence, maternal and child health block grant, and Even Start, the early education component of Head Start. Such cuts are harsh and, in my view, shortsighted. Investments in our children’s health care and education are downpayments for our future.

Housing programs, economic development investments in water and sewer projects, and basic funding for local law enforcement, along with a host of other programs will be put on hold for the next 9 weeks. I wish this were not the case, but sadly it is.

My hope for the new Congress and the new leadership is that we will get the job done. I am proud to note that the leaders for the 110th Congress, which begins on January 4, 2007, have

already announced their commitment to strike a new tone and to unite the interest of the American people. I will work with our leaders to get our work done for the families in West Virginia and across our country.

FEDERAL DISASTERS IN OREGON

Mr. SMITH. I rise on the Senate floor today to lament a state of emergency in the rural parts of my State. The emergency we face is related to natural resources but different from those of drought and hurricane that the Senate has discussed and responded to.

The disasters in Oregon are not acts of God but of an infinitely more fallible entity—the Federal Government. Adverse decisions on forest and fisheries management are imperiling entire communities and entire ways of life.

I am not seeking, at this time, to reverse those management decisions. Although they deserve intense scrutiny. What I am seeking is that this Government recognize that its decisions have a cost—one that is borne on the backs of those who can least afford it. These people and communities need relief as much as those burdened by other disasters not of their creation.

Over a decade ago, the Federal Government sought fit to bring tens of thousands of loggers and mill workers to their knees by stopping timber harvest on Federal lands in Oregon. It did so in the name of the spotted owl, a threatened species under the Endangered Species Act. I should add that after 15 years of negligible harvest on these lands, the owl is still not recovering and its habitat is being incinerated in catastrophic wildfire.

That timber war had more casualties than just jobs in the woods. County governments receive a share of timber receipts from Federal land—25 percent from the Forest Service and 50 percent from the BLM. For generations these funds have offset the inability to tax Federal property—which makes up the vast majority of most counties in my State.

When timber harvest evaporated, so did county budgets. In 1999, I came to this floor to describe to my colleagues what was happening in rural Oregon. Schools went to 4-day weeks, dropped sports and extracurricular activities, and curtailed other programs. Communities were forced to make heart-breaking decisions over whether to cut back social service programs or school funding—or to sharply reduce sheriffs' patrols and close jails or to cut out all extracurricular activities at their schools.

Fortunately, Congress created a safety net in the Secure Rural Schools and Community Self-Determination Act of 2000. This provided funding to counties based on historic rather than current timber harvest levels. And not just Oregon counties. In the life of that legislation, California received California received \$308 million; Idaho, \$102 million; and Montana, \$63.4 million.

That program expired, on our watch, 2 months ago.

My colleague from Oregon and I have left no stone unturned to find money for an extension. Those efforts have been unsuccessful and we stand here, with our timber dependent counties, at the mercy of the Government.

Their plight is compounded by a second Federally created disaster in Oregon's commercial salmon fishing industry, delivering a double blow to many of the same counties. Commercial salmon fishing remained this season along more than 400 nautical miles, stretching from Florence, OR to Pigeon Point, CA. Estimates put the impact of this closure to Oregon and California fishing communities around \$60 million. This year marked the first time in history that there was no commercial salmon harvest in Curry and Coos counties in Oregon. Curry County also stands to lose \$6,591,993 or 62.3 percent of its road and general discretionary funds with the failure of Congress to extend the Secure Rural Schools and Community Self-Determination Act.

Mr. President, the clock is winding down on the 109th and soon Members of Congress will leave town to return to their districts or States. We will be leaving without extending this important safety net for our rural counties and without completing action on the annual appropriations bills to fund the Government. I can only tell my counties and Oregon's fishermen that the fire will not die on these issues, it will only grow more intense when the 110th Congress convenes.

IRAQ

Mr. FEINGOLD. Mr. President, this past Wednesday, Washington felt a little like Hollywood. In fact, not many blockbuster movies have gotten the kind of massive press and critical acclaim that we saw yesterday for the release of the Iraq Study Group report. Official Washington rushed to embrace the report—understandably, since it reflected the same flawed mindset that led so many here to embrace the war in Iraq 4 years ago. Unfortunately, that same mindset is now what is keeping too many here from fixing an Iraq policy that many now agree is badly flawed.

The administration still believes that Iraq is the be-all and end-all of our national security. So, too, does most of Washington. Unfortunately, the Iraq Study Group report does too little to change that flawed mind-set. I respect the serious efforts of the group to correct the administration's misguided policies, and the report has some valuable ideas. But the very name, the "Iraq Study Group" says it all. We need recommendations on how to address Iraq, but those recommendations must be guided by our top national security priority—defeating terrorist networks operating in dozens of countries around the world. We can't just look at Iraq in isolation—we need to

also be looking at Somalia and Afghanistan and the many other places around the world where we face grave and growing threats.

The report doesn't adequately put Iraq in the context of a broader national security strategy. We need an Iraq policy that is guided by our top national security priority—defeating the terrorist network that attacked us on 9/11 and its allies. Unless we set a serious timetable for redeploying our troops from Iraq, we will be unable to effectively address these global threats. In the end, this report is a regrettable example of "official Washington" missing the point. The report may have gotten a glowing reception at its DC premiere, but I don't think it will get the same response once it goes on the road. Maybe there are still people in Washington who need a study group to tell them that the policy in Iraq isn't working, but the American people are way ahead of this report. It has been just over a month since the American people told us clearly what they were thinking about Iraq. They recognize that we need a timetable to bring the troops out of Iraq. They know that a flexible timetable is needed to preserve our military readiness, to prevent more unnecessary and tragic American casualties in Iraq and to protect our national security. They are the ones we should be listening to—not the insiders, politicians and think-tankers who believe they have cornered the market on wisdom.

Unfortunately, the focus of this commission, and the amount of attention being given to this single report, show just how myopic this administration and Members of Congress are. The long-running debate here in Washington about whether and when to redeploy our troops from Iraq always centers on the situation on the ground there, and whether a drawdown of troops will make it better or worse. Those are important considerations. But even more important are the issues that are largely ignored—the fact that our commitment of troops and resources in Iraq is dangerously weakening our national security and the opportunity cost of ignoring the growing threats elsewhere in the world.

As the administration and Congress mull over the Iraq Study Group's recommendations, it comes as no surprise that the group's work includes what the New York Times had called a "classic Washington compromise." But we need much more than a compromise to fix our national security policy. We need a dramatic and immediate change of course in Iraq—a timeline to redeploy our troops from Iraq so that we can refocus on the terrorist networks that threaten the safety of the American people.

The war in Iraq was, and remains, a war of choice. The administration has tried to create a false choice, between staying in Iraq with no end date in sight and "cutting and running." They want us to believe that Iraq is the central front in the war on terror, just as